

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 664135	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2004/006290	International filing date (day/month/year) 30.04.2004	Priority date (day/month/year) 07.05.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of **6** sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. (*sent to the applicant and to the International Bureau*) a total of **12** sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I	Basis of the report
<p>1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> international search (Rule 12.3 and 23.1(b)) <input type="checkbox"/> publication of the international application (Rule 12.4) <input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3) <p>2. With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description: pages <u>1-34</u> as originally filed/furnished pages* _____ received by this Authority on _____ pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims: nos. <u>3-9, 11, 14-15, 17, 19, 21, 23-25, 27, 29-31, 37, 39</u> as originally filed/furnished nos.* <u>1-2, 10, 12-</u> as amended (together with any statement) under Article 19 nos.* <u>13, 16, 18, 20, 22, 26, 28, 32-36, 38</u> received by this Authority on <u>25.02.2005</u> nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings: sheets <u>fig. 1-30D</u> as originally filed/furnished sheets* _____ received by this Authority on _____ sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the description, pages _____ <input type="checkbox"/> the claims, nos. _____ <input type="checkbox"/> the drawings, sheets/figs _____ <input type="checkbox"/> the sequence listing (<i>specify</i>): _____ <input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____ <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <ul style="list-style-type: none"> <input type="checkbox"/> the description, pages _____ <input type="checkbox"/> the claims, nos. _____ <input type="checkbox"/> the drawings, sheets/figs _____ <input type="checkbox"/> the sequence listing (<i>specify</i>): _____ <input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____ 	

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1–39	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1–39	NO
Industrial applicability (IA)	Claims	1–39	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 2000-182358 A (Sanyo Electric Co., Ltd.),
30 June 2000

Document 2: JP 2000-40346 A (Sanyo Electric Co., Ltd.),
08 February 2000

Document 3: JP 2002-10203 A (Sharp Corp.), 11 January
2002

Document 4: JP 2001-275083 A (Sony Corp.), 05 October
2001

Document 5: JP 2000-228081 A (Sharp Corp.), 15 August
2000

Document 6: JP 11-38954 A (Sanyo Electric Co., Ltd.;
Dynaware Corp.), 12 February 1999

Document 7: JP 11-353856 A (Nippon Columbia Co., Ltd.),
24 December 1999

Document 8: JP 2002-334511 A (Sony Computer Entertainment
Inc.), 22 November 2002

The inventions that are set forth in claims 1 to 2,
5 to 6, 12 to 13, 15 to 23, 26 to 29, 31 to 34, 36 and 38
do not involve an inventive step in the light of document
1 (paragraphs [0002] to [0014] and [0020] to [0045], and
fig. 1 to 7), which is cited in the international search
report, and newly cited document 2 (paragraphs [0013] to

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[0031] and fig. 1 to 8). It would have been easy for a person skilled in the art to conceive of adding the configuration that is disclosed in document 2, wherein common identification information is applied to data that has been recorded over a plurality of recording media, to the recording and reproduction device that is disclosed in document 1.

The inventions that are set forth in claims 3 and 4 do not involve an inventive step in the light of document 1, document 2 and document 3 (paragraphs [0026] to [0037] and fig. 3 to 4) cited in the international search report. It would have been easy for a person skilled in the art to conceive of adding the configuration that is disclosed in document 3, wherein the positions for the temporal division of the video data and the audio data are made to coincide when dividing sets of video data and audio data that have different frame frequencies, to the recording and reproduction device that is disclosed in document 1.

The invention that is set forth in claim 7 does not involve an inventive step in the light of document 1, document 2, document 3 and document 4 (paragraphs [0175] to [0176]) cited in the international search report. It would have been easy for a person skilled in the art to conceive of adding the configuration that is disclosed in document 4, wherein the initial frame of each set of data is recorded during the division editing step, to the recording and reproduction device that is disclosed in document 1.

The inventions that are set forth in claims 8 and 14 do not involve an inventive step in the light of document 1, document 2 and document 5 (paragraphs [0037]

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to [0039]) cited in the international search report. It would have been easy for a person skilled in the art to conceive of adding the configuration that is disclosed in document 5, wherein the maximum bitrate is used in order to determine whether or not there is sufficient empty capacity, to the recording and reproduction device that is disclosed in document 1.

The invention that is set forth in claim 9 does not involve an inventive step in the light of document 1, document 2 and document 6 (paragraphs [0036] to [0037] and fig. 5) cited in the international search report. It would have been easy for a person skilled in the art to conceive of adding the configuration that is disclosed in document 6, wherein the data is divided at the gaps between the groups of pictures (GOPs), to the recording and reproduction device that is disclosed in document 1.

The inventions that are set forth in claims 10 and 35 do not involve an inventive step in the light of document 1, document 2 and document 7 (paragraph [0016] and fig. 2) cited in the international search report. It would have been easy for a person skilled in the art to conceive of adding the configuration that is disclosed in document 7, wherein a plurality of recording and reproduction devices are used in order to record to a plurality of recording media in a continuous manner, to the recording and reproduction device that is disclosed in document 1.

The inventions that are set forth in claims 11, 24 to 25, 30, 37 and 39 do not involve an inventive step in the light of document 1, document 2 and document 8 (paragraphs [0088] to [0089]) cited in the international search report. It would have been easy for a person

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skilled in the art to conceive of adding the configuration that is disclosed in document 8, wherein serial numbers that are unique to each recording medium are used in order to identify the recording media, to the recording and reproduction device that is disclosed in document 1.